

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK W. RUPP and DOUGLAS J. GOULD,

Plaintiffs,

No. CV 08-01939 SBA

v.

ORDER

FIRST AMERICAN TITLE COMPANY,

Defendant.

On April 11, 2008, plaintiffs filed a Complaint, captioned *Rupp v. First American Title Co.* (Case No. 08-0939 SBA), which was assigned to this Court, and on the same date, filed a motion for Leave to Proceed *in forma pauperis*. On November 26, 2007, plaintiffs filed a Complaint, captioned *Rupp v. Citizens of the State of Nevada* (Case No. 07-05954 MHP) which was assigned to Judge Patel. Judgment was entered in Case No. 07-05954 MHP on January 3, 2008.

Both cases appear to concern substantially the same property, transaction, and event, *to wit*, the June 2003 sale of plaintiff Rupp's condominium located at 1860 Ellis Street in San Francisco, California.

Civil L.R. 3-12 provides that an action is related to another when: (1) the actions concern substantially the same parties, property, transaction or event; and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

Accordingly, the Clerk is directed to refer Case No. 08-0939 SBA to Judge Patel with a request that Judge Patel consider whether the cases are related. The Clerk is further directed to send a copy of the referral to the parties pursuant to Civil L.R. 3-12.

IT IS SO ORDERED.

Dated: 5/9/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 FRANK W RUPP et al,
5
6 Plaintiff,

Case Number: CV08-01939 SBA

CERTIFICATE OF SERVICE

6 v.

7 FIRST AMERICAN TITLE COMPANY et al,
8
9 Defendant.

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on May 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Frank W. Rupp
17 439 Butterfield
18 Cathedral City, CA 92234

18 Dated: May 12, 2008

19 Richard W. Wieking, Clerk
20 By: LISA R CLARK, Deputy Clerk